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09/509,401	06/19/2000	STEFAN SCHMITZ	10191/1365	2060

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KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

## Office Action Summary

Application No. 09/509,401	Applicant(s) Stefan Schmitz
Examiner Naghmeh Mehrpour	Art Unit 2682



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 10-18 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 10-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 10-15**, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art Page 1 of Specification in view of Pogue, Jr. et al. (US Patent Number 5,144,667).

Regarding **Claims 10**, the admitted prior art teaches a method for assigning a remote control operation to a base station, comprising the steps of: causing the base station to transmit a search signal; returning a contact signal from the remote control operation in response to an agreement of the search signal with a stored reference signal; causing the base station to subsequently transmit an activation signal capable of being changed in response to each assignment, the activation signal being capable of verifying a matching to the remote control operation (Page 1 lines 3-21). The admitted prior art fails to teach that before the search signal is transmitted from the base station, determining the activation signal, wherein the activation signal is only recalled for the assignment. However Pogue teaches a method that the search signal is transmitted from the base station, determining the activation signal, wherein the activation signal is only recalled for the assignment (column 5 lines 9-23). Therefore, it would have been obvious to ordinary skill in the

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art at the time the invention is made to provide the above teaching of Pogue to the admitted prior art, in order to provide an inexpensive and more secure system.

Regarding **Claims 11-12**, the admitted prior art teaches a method according further comprising the step of: before the search signal is transmitted by the base station, determining a response signal, wherein the remote control operation responds in accordance with the response signal after the activation signal is received (Page 1 lines 5-23).

Regarding **Claim 13**, the admitted prior art teaches a method according further comprising the step of: determining another activation signal capable of being changed, the other activation signal being determined if a response signal sent back by the remote control operation in response to the activation signal does not agree with a predetermined set point response signal in the base station (page 1 lines 4-13).

Regarding **Claim 14**, the admitted prior art teaches a method according wherein: the search signal is transmitted a plurality of times, each time being immediately after another, if no contact signal is received in response to the preceding search signal (page 1 lines 5-11).

Regarding **Claim 15**, the admitted prior teaches a method wherein: an execution time of the step of determining the other activation signal is based on carrying out security-relevant arithmetic operations, which carry out response is less than three milliseconds (Page 1 lines 15-18).

Therefore the admitted prior art inherently teaches the step of determining the other activation signal is lengthened in comparison to a shortest possible execution time.

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3. **Claims 16-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art Page 1 of Specification and Pogue, Jr. et al (US Patent Number 5,144,667) in view of Paneth et al. (US Patent Number 6,282,80 B1).

Regarding **Claims 16-17**, The admitted prior art teaches a base station comprising: a transmitting/receiving device for transmitting a search signal and an activation signal capable of being changed, and for receiving a contact signal and a response signal from remote control operations, an arrangement for performing one of causing and evaluating of each signal received by the transmitting/receiving device, wherein, the arrangement for performing one of the causing and the evaluating (Page 1, lines 3-24). The admitted prior art fails to teach determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the base station and making possible test for matching. However Pogue teaches a method that determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the base station and making possible test for matching (column 5 lines 9-23). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Pogue to the admitted prior art, in order to provide an inexpensive and more secure system. The combination of admitted prior art and Pogue fails to

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teach a non-volatile memory. However Paneth teaches a non-volatile memory unit (Column 26 lines 62-67). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Paneth to the combination admitted prior art of and Pogue, in order to provide a base station with a memory that can be reprogram at different time.

Regarding **Claim 18**, the admitted prior art teaches a system composing a base station including: a first transmitting/receiving a search signal and an activation signal capable of being changed, and for receiving a contact signal and a response signal from remote control operations, a first arrangement for performing one of a causing and an evaluating of each signal received by the transmitting/receiving device, wherein: the arrangement for performing/receiving device (Page 1 lines 3-23). The admitted prior art fails to teach determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the base station and making possible test for matching. However Pogue teaches a method that determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the base station and making possible test for matching (column 5 lines 9-23). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Pogue to the admitted prior

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art, in order to provide an inexpensive and more secure system. The combination of admitted prior art and Pogue fails to teach a non-volatile memory. However Paneth teaches a non-volatile memory unit (Column 26 lines 62-67). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Paneth to the combination admitted prior art of and Pogue, in order to provide a base station and remote station with a memory that can be reprogram at different time.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Brinkmeyer et al.** (US Patent Number 5,774,550) disclose vehicle security device with electronic use authorization coding

**Cole et al.** (US Patent Number 5,091,939 ) disclose method and apparatus for processing power control signals in CDMA mobile telephone system

**Million et al.** (US Patent Number 4,797,948) disclose vehicle identification technique for vehicle monitoring system employing RF communication

5. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

Art Unit:

Or:

(703) 308-6306, (for informal or draft communications, please label  
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should  
be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can  
normally be reached on Monday through Thursday (first week of bi-week) and Monday through  
Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Dec 21, 2001



VIVIAN CHANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600